

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )                           8:10CR418  
                                  )  
vs.                            )                           ORDER  
                                  )  
MATTHEW L. KOLACZOWSKI,    )  
                                  )  
Defendant.                   )                           

This court has received defense counsel's report on the medical condition of defendant, Matthew L. Kolaczowski (Kolaczowski). The report shall be filed with the clerk as a restricted matter. The defendant is presently unavailable for trial due to his medical condition. Accordingly the trial of this matter will be continued pending the defendant's availability for trial. Counsel for the defendant shall again report to the court on the defendant's medical progress on or before August 1, 2012.

The ends of justice have been served by continuing the trial in this matter and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the continuance, i.e., **the time between February 24, 2012, and August 1, 2012**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that the defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice.

18 U.S.C. § 3161(h)(3)(B)(4).

**IT IS SO ORDERED.**

DATED this 24th day of February, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge